

## REMARKS

Support for the amendment to claim 1 can be found, for example, in original claims 2 and 3. Support for new claim 21 can be found, for example, in original claim 1. Support for new claim 22 can be found, for example, at page 47, line 10 of the specification. No new matter has been added.

### Information Disclosure Statement

Copies of references 007-015, cited in PTO/SB/08A are attached herewith along with an English language abstract for DE19627350. US 2004/0173775 is an equivalent to WO2002100979. The other references either have an English language equivalent already designated or are published in English.

### Rejections under 35 U.S.C§112

The amendments to the claims render the rejections moot. Thus, it is respectfully requested that the rejections under 35 U.S.C. §112 be withdrawn

### Obviousness Type Double Patenting Rejection

Claims 1-4 and 6-8 and 10-13 stand rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,858,268.

The rejection is moot in light of the terminal disclaimer filed herewith. Thus, it is respectfully requested that the rejection be withdrawn.

### Rejections under 35 U.S.C. §103

Claims 1-4, 6-14 and 16-20 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Egami et al. (US 6,149,990) and Claim 15 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Egami et al. (US 6,149,990) and further in view of US2003/0003827.

It is believed that the amendments to the claims render the rejections moot.

As the Examiner notes on page 5 of the Office Action, Egami et al. does not

teach a helical pitch of the liquid crystal medium  $\leq 1\mu\text{m}$ .

Furthermore, there is nothing within Egami et al. to lead a skilled worker to choose a nematic component in amounts of  $\geq 75\%$  by weight of one or more compounds of formulae I1-I3 to arrive at a chiral LC mixture with a helical pitch of  $\leq 1\mu\text{m}$ .

For example, more than 25% of the LC mixtures in Examples 17 and 35 contain compounds which have an ether group or an ethylene group between the first and the second ring.

With regards to claim 15, US2003/0003827 does not cure the deficiencies of Egami et al. since neither reference teaches or suggests a helical pitch of the liquid crystal medium  $\leq 1\mu\text{m}$  and a nematic component which comprises  $\geq 75\%$  by weight of one or more compounds formula I1-I3.

Thus, it is respectfully requested that the rejections under 35 USC §103 be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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